

Public Chapter 350

HOUSE BILL NO. 1052

By Representatives McMillan, Eckles, Chumney, Brenda Turner, Pleasant, Haley, Hargett, Patton, Ford, Jackson

Substituted for: Senate Bill No. 793

By Senators Burks, Cohen, Springer, Harper, Davis, Dixon, Crowe

AN ACT to amend Tennessee Code Annotated, Title 36, relative to the use of mediation in certain domestic relations proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 4, Part 1, is amended by adding the following new section:

Section\_\_\_\_. In any proceeding for divorce or separate support and maintenance, if an order of protection issued in or recognized by this State is in effect or is there is a court finding of domestic abuse or any criminal conviction involving domestic abuse within the marriage which is the subject of the proceeding for divorce or separate support and maintenance, the court may order mediation or refer either party to mediation only if:

(a) Mediation is agreed to by the victim of the alleged domestic or family violence;

(b) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to, an attorney or advocate. No victim may provide monetary compensation to a non-attorney advocate for attendance at mediation.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following as a new section:

Section\_\_\_\_. In any proceeding concerning the custody of a child, if an order of protection issued in or recognized by this State is in effect or if there is a court finding of domestic abuse or any criminal conviction involving domestic abuse within the marriage which is the subject of the proceeding for divorce or separate support and maintenance, the court may order mediation or refer either party to mediation only if:

(a) Mediation is agreed to by the victim of the alleged domestic or family violence;

(b) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to, an attorney or advocate. No victim may provide monetary compensation to a non-attorney advocate for attendance at mediation.

SECTION 3. Tennessee Code Annotated, Title 36, Chapter 6, Part 3, is amended by adding the following as a new section:

Section \_\_\_\_\_. In any proceeding concerning the visitation of a child, if an order of protection issued in or recognized by this State is in effect or if there is a court finding of domestic abuse or any criminal conviction involving domestic abuse within the marriage which is the subject of the proceeding for divorce or separate support and maintenance, the court may order mediation or refer either party to mediation only if:

(a) Mediation is agreed to by the victim of the alleged domestic or family violence;

(b) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to, an attorney or advocate. No victim may provide monetary compensation to a non-attorney advocate for attendance at mediation.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.